

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

GERALD DEPRIEST,)	
)	
Plaintiff,)	
)	
vs.)	Civil No. 15-cv-1056-CJP¹
)	
CAROLYN W. COLVIN,)	
Acting Commissioner of Social)	
Security,)	
)	
Defendant.)	

MEMORANDUM and ORDER

PROUD, Magistrate Judge:

This matter is now before the Court on the Defendant's Motion to Remand to the Commissioner. **(Doc. 29).**

Defendant moves for this case to be remanded to the agency for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g). A sentence four remand (as opposed to a sentence six remand) depends upon a finding of error, and is itself a final, appealable order. **See, *Melkonyan v. Sullivan*, 501 U.S. 89 (1991); *Perlman v. Swiss Bank Corporation Comprehensive Disability Protection Plan*, 195 F.3d 975, 978 (7th Cir. 1999).** Upon a sentence four remand, judgment should be entered in favor of plaintiff. ***Schaefer v. Shalala*, 509 U.S. 292, 302-303 (1993).**

Defendant states that, on remand, plaintiff will be given the opportunity to submit new evidence and receive a new hearing. Additionally, on remand,

¹ This case was referred to the undersigned for final disposition upon consent of the parties, pursuant to 28 U.S.C. §636(c). See, Doc. 14.

the ALJ will reassess the medical opinion evidence, reassess plaintiff's residual functional capacity and provide appropriate rationale with specific references to evidence of record in support of the assessed limitations, and assess the materiality of plaintiff's drug abuse or alcoholism. Finally, if necessary, the ALJ will obtain supplemental vocational expert testimony. After reevaluating the evidence the ALJ will issue a new decision regarding the disability application.

For good cause shown, the Defendant's Motion to Remand to the Commissioner (**Doc. 29**) is **GRANTED**.

The final decision of the Commissioner of Social Security denying Gerald Depriest's application for social security benefits is **REVERSED and REMANDED** to the Commissioner for rehearing and reconsideration of the evidence, pursuant to **four** of 42 U.S.C. §405(g).

The Clerk of Court is directed to enter judgment in favor of plaintiff.

IT IS SO ORDERED.

DATED: June 28, 2016.

s/ Clifford J. Proud
CLIFFORD J. PROUD
UNITED STATES MAGISTRATE JUDGE